

storage tanks) within relevant geographic areas. The parties shall submit a Proposed Order resolving that issue by no later than June 9, 2010. The Proposed Order shall reflect the rulings made by the Court during the May 19, 2010 conference.

C. In the Napoli Bern cases:

1. The Tartan Defendants are directed to provide a privilege log by no later than May 28, 2010.
2. The Tartan Defendants are directed to inquire whether BP has a copy of the commission broker agreement it entered into with the Tartan Defendants and whether it has any documentation of the annual volume of MTBE-containing gasoline that it delivered to the Tartan Defendants. If the Tartan Defendants are able to obtain such information, they shall produce it to plaintiffs.
3. The Tartan Defendants shall identify all property (*e.g.*, underground storage tanks) within relevant geographic areas in which they had a property interest and the dates they held those interests. The Tartan Defendants are also directed to review their records for documents (*e.g.*, leasehold agreements) relating to the nature of their property interests and to produce any such documents to plaintiffs.

4. The Tartan Defendants shall have until May 28, 2010 to serve the supplemental interrogatories referred to at the May 19, 2010 conference.
5. Plaintiffs shall reproduce to the Tartan Defendants all documents that they converted from native electronic format (*e.g.*, Excel Spreadsheets) into a format that downgraded the documents' searchability (*e.g.*, PDF). The documents shall be produced in native electronic format.
6. Plaintiffs are directed to provide all documents and information that Plaintiffs, in their interrogatory responses, indicated were publicly available or subject to continuing investigation. The documents shall be produced no later than May 28, 2010.
7. The requested 30(b)(6) deposition shall take place on June 17, 2010. The Tartan Defendants are directed to produce responsive documents to the requests made in anticipation of the deposition. The documents shall be produced no later than June 11, 2010.
8. For all past and future discovery requests, Plaintiffs are directed to produce responsive material directly to the Tartan Defendants regardless of whether the material was previously produced to liaison

counsel.

9. The Tartan Defendants are directed to serve an affidavit from a person with knowledge of whether the Tartan Defendants have any facilities within the geographic areas at issue in the Southampton and East Hampton cases. If appropriate, plaintiffs shall then dismiss the Tartan Defendants from those cases.

D. The next all-cases status conference is scheduled for Sept. 8 at 10³⁰.

SO ORDERED:


Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
May 27, 2010

-Appearances-

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